

**FALKIRK COUNCIL**

**Subject:** ERECTION OF DWELLINGHOUSE AT DYKEHEAD FARM,  
AVONBRIDGE, FALKIRK, FK1 2JW, FOR MR & MRS WILLIAMSON  
(P/09/0139/OUT)

**Meeting:** PLANNING COMMITTEE

**Date:** 4 November 2009

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Member:** Councillor Gordon Hughes  
Councillor Stephen Fry  
Councillor John McLuckie

**Community Council:** Avonbridge and Standburn

**Case Officer:** David Paterson, Ext 4757

**1. DESCRIPTION OF PROPOSAL / SITE LOCATION**

- 1.1 The application site is located on the north side of the B8022 Avonbridge to Limerigg Road, adjacent to the existing dwellinghouse at Dykehead Farm. The application site is located in a rural area to the west of Avonbridge, adjacent to a small group of dwellinghouses.
- 1.2 The application site operates as an established riding school and livery yard. The site currently provides stabling for nineteen horses. The site also has a 40m x 20m covered riding arena.
- 1.3 Small scale horse breeding also takes place at the site in an ancillary capacity to the main riding school / livery use.
- 1.4 The applicants managed the site until recently. The supporting statements emphasise that the site now operates in a manner whereby the applicants no longer find it practicable to manage the site. The applicants reside at the adjacent Dykehead Farmhouse. Dykehead Farmhouse is not included in the application site.
- 1.5 The applicants advise that a site manager has been appointed. This outline application proposes the erection of a single dwellinghouse as full time accommodation for the new manager. It is envisaged that the dwellinghouse would include ancillary living accommodation to accommodate persons who wish to stable horses overnight whilst travelling to country wide equestrian events.

**2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 The application has been called in by Councillor John McLuckie.

### **3. SITE HISTORY**

- 3.1 Planning permission F/2005/0344 was granted on 26 October 2005 to change the use of the stables at the application site from private stables to a riding school.
- 3.2 Detailed application 06/1090/FUL for the erection of a dwellinghouse at the application site was refused planning permission on 27 April 2007 on grounds that the proposed dwellinghouse could not be justified in this location.
- 3.3 P/07/0991/OUT was refused outline planning permission for the erection of a dwellinghouse on 23 April 2008 on the grounds that the proposed dwellinghouse could not be justified.
- 3.4 P/09/0130/FUL was granted on 4 June 2009 in respect of the erection of an open shed to provide cover to the existing arena.

### **4. CONSULTATIONS**

- 4.1 The Roads Development Unit has advised that conditions be attached with respect to the formation of visibility splays at the access to Dykehead Farm, the formation of parking provision and the erection of access gates.
- 4.2 The Environmental Protection Unit has advised that the applicant should undertake a site investigation to establish if contamination (as defined by Part 11a of the Environmental protection Act 1990) is present on site. Scottish Water advises that a separate drainage system would be required.
- 4.3 The Scottish Environment Protection Agency has offered no objection. SEPA has advised that a private foul sewerage system would be required.

### **5. COMMUNITY COUNCIL**

- 5.1 Avonbridge and Standburn Community Council has not made any representation.

### **6. PUBLIC REPRESENTATION**

- 6.1 One letter of objection has been received. Concerns are:-
  - There is not sufficient water supply to accommodate the proposal.
  - There is not sufficient electricity supply to accommodate the proposal.
  - It is not clear if the proposed dwellinghouse would be single or two storey in height.

## 7. DETAILED APPRAISAL

Under section 25 of the Town and Country Planning (Scotland) Act 1997, as amended, the determination of planning applications for local and major developments shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Accordingly,

### 7a The Development Plan

#### *Falkirk Council Structure Plan*

- 7a.1 The application raises no issues of strategic importance and therefore there are no policies in the Falkirk Council Structure Plan that require to be addressed.

#### *Rural Local Plan*

- 7a.2 Policy RURAL 1 'New Development in the Countryside' states:

*"That within the countryside (as defined in paragraph 3.19), there will be a general presumption against new development except in the following circumstances :-*

- 1. Housing development absolutely essential to the pursuance of agriculture, forestry or other economic activity appropriate to a rural location. The occupation of new houses shall be limited to persons employed in agriculture as defined in Section 275(1) of the Town and Country Planning (Scotland) Act 1972, or to persons employed in forestry or other appropriate rural activities and the dependants of such persons.*
- 2. On the Slamannan Plateau as indicated on the Policies and Proposals Map, single dwellinghouses developed in conjunction with significant tree planting schemes. Such proposals will be considered on merit with due regard to the provisions of the District Council's "Guide to Tree Planting/Housing Proposals on Slamannan Plateau".*
- 3. Appropriate infill development where a clear gap site exists which would not contribute to ribbon, backland or sporadic development forms.*
- 4. Industrial/business development where there is an overriding national or local need and a rural site is the only suitable location.*
- 5. Development for tourism and countryside recreation purposes where the District Council is satisfied that the proposal requires a rural setting, is appropriate in terms of its type, scale and location and that it would enhance the image of the District. Proposals which accord with the District Council's Tourism Strategy are particularly welcomed.*
- 6. Telecommunications development and development relating to the temporary use of land particularly for the working of minerals. Such proposals will be considered on merit, with due regard to the relevant specialised policies of the District Council.*

*The scale, siting and design of those developments which are granted permission will be strictly controlled. Building designs compatible with the District Council's "Design Guide For Buildings In The Rural Areas" and sympathetic to vernacular architectural forms will be expected."*

- 7a.3 It is noted that the statements submitted in support of the application do not provide sufficient details in the form of a business plan to establish if the riding school and livery business operates, or would operate, in manner that a further dwellinghouse, in addition to the applicant's existing dwellinghouse is essential to the operation of the business.
- 7a.4 The proposed development does not accord with Policy Rural 1.
- 7a.5 Accordingly the proposed development does not accord with the Development Plan.

## **7b Material Considerations**

- 7b.1 The material considerations to be addressed are the Falkirk Council Local Plan Finalised Draft (Deposit Version), Scottish Planning Policy (SPP) 3 "Planning for Housing ", SPP 15 "Planning for Rural Development", Planning Advice Note (PAN) 72 "Housing in the Countryside", the statements submitted in support of the application and the letter of objection.

### ***Falkirk Council Local Plan Finalised Draft (Deposit Version)***

- 7b.2 Policy SC3 - 'Housing Development In The Countryside' states:

*"Housing development in the countryside will only be permitted in the following circumstances:*

- (1) Housing essential to the pursuance of agriculture, horticulture or forestry, or the management of a business for which a countryside location is essential. In these instances, the applicant must demonstrate:*
  - The operational need for the additional house in association with the business*
  - That no existing dwelling which might have served that need has been sold or otherwise alienated from the holding*
  - That there are no reasonable opportunities for reusing or converting redundant buildings rather than building a new dwellinghouse*
  - That the business as a whole is capable of providing the main source of income for the occupant;*
- (2) Proposals involving the rehabilitation of former residential properties, or the conversion of farm and other buildings to residential use, where*
  - The building, by virtue of its existing character, makes a positive contribution to the rural landscape*
  - The building is in a reasonable state of repair, still stands substantially intact and is capable of beneficial restoration, as verified by a report and certificate from a qualified structural engineer*
  - The restored or converted building is of comparable scale and character to the original building*
  - In the case of former non-residential buildings, the building is no longer required for the purpose for which it was built; or*

- (3) *Appropriate infill opportunities within the envelope of an existing group of buildings, where the development would not result in ribbon, backland or sporadic development, and the proposal satisfies Policy SC8.”*

7b.3 This policy affirms the position of the Rural Local Plan

7b.4 The proposals are therefore considered to be contrary to the terms of the Falkirk Council Local Plan Finalised Draft (Deposit Version).

### ***Scottish Planning Policy (SPP) 3 “Planning for Housing”***

7b.5 SPP 3 recognises that, whilst planning policies have traditionally sought to restrict the development of new houses in the countryside, new housing outwith existing settlements may have a part to play in economic regeneration and environmental renewal. It is noted that the proposed dwellinghouse is stated to be required as the presence of a manager in a residential capacity is essential. Section 7a of this report, "Development Plan" is noted. It has not been demonstrated that the proposed dwellinghouse is essential. It is not therefore possible to determine if an additional dwellinghouse is justified.

### ***SPP 15 “Planning for Rural Development”***

7b.6 In terms of housing the overall message of SPP 15 is that there is considerable scope for allowing more housing developments in rural locations including clusters and groups in close proximity to settlements, replacement housing, plots on which to build individually designed houses and holding houses. SPP 15 does however, emphasis the strong role of the Development Plan in setting out the criteria for acceptable rural development. As mentioned in section 7a of this report, the Development Plan does not support this proposal.

### ***Planning Advice Note (PAN) 72 “Housing in the Countryside”***

7b.7 PAN 72 notes the rise in the number of people wishing to live in the countryside including those who wish to work as well as live there. It is for planning authorities to assess these demands and decide how and where to accommodate them.

### ***Supporting Statement***

7b.8 The statements supporting the application outline a level of investment that the applicants have made in the site over the past ten to twelve years and outline their aim to expand operations, hence the requirement for managerial accommodation. The statements state that the accommodation would allow for the full time manager to be resident at the site which, in turn, would allow for the business to intensify and expand, potentially including an equestrian tourist centre, arena hire, feed and hay supplies, lorry hire and trailer storage.

7b.9 It is noted that information in the supporting statement is not sufficient in terms of a business plan and therefore the case that a manager be resident full time at the site has not been demonstrated.

7b.10 The application for a dwellinghouse cannot therefore be justified on the basis of the information submitted.

## ***Letter of Objection***

- 7b.11 There is no evidence to suggest there is no capacity to provide a water supply to the proposed development. It is noted that Scottish Water has not objected to the proposal
- 7b.12 There is no evidence to suggest that it would not be possible to provide an electricity supply.
- 7b.13 It is noted that the application is for planning permission in principle. The design of the dwellinghouse would be addressed at the "application for approval of matters specified in conditions" stage

### **7c Conclusion**

- 7c.1 The proposed development does not accord with the Development Plan or the Falkirk Council Local Plan Finalised Draft (Deposit Version).
- 7c.2 It is noted that the statement in support of the application suggests that a dwellinghouse could be justified due to the well established equestrian business and the aspiration of the applicant to continue to develop and expand. However, it is considered that, given the presence of the existing dwellinghouse, insufficient justification has been demonstrated to allow an additional dwelling.
- 7c.3 The information included in the supporting statement is not sufficient in terms of a Business Plan.
- 7c.4 The application for a dwellinghouse cannot be justified on the basis of the information submitted.

## **8. RECOMMENDATION**

- 8.1 It is recommended that Committee refuse planning permission for the following reasons:-
- (1) The case for the essential presence on site of a manager in a residential, full time capacity has not been sufficiently demonstrated. The proposed development does not therefore accord with Policy Rural 1 of the Rural Local Plan "New Development in the Countryside", Policy SC3 of the Falkirk Council Local Plan "Housing Development in the Countryside", Scottish Planning Policy 3 "Planning For Housing", Scottish Planning Policy 15 "Planning For Rural Development " and Planning Advice Note 72 " Housing in the Countryside".

**Pp**

.....  
**Director of Development Services**

**Date: 27 October 2009**

### **LIST OF BACKGROUND PAPERS**

1. Falkirk Council Structure Plan
2. The Rural Local Plan
3. The Falkirk Council Local Plan Finalised Draft (Deposit Version)
4. Scottish Planning Policy 3 "Planning for Housing"
5. Scottish Planning Policy 15 "Planning for Rural Development"
6. Planning Advice Note 72 "Housing in the Countryside"
7. Letter of objection dated 4 March 2009 received from Scott Gibson, Fosse Side, Avonbridge, FK1 2JW

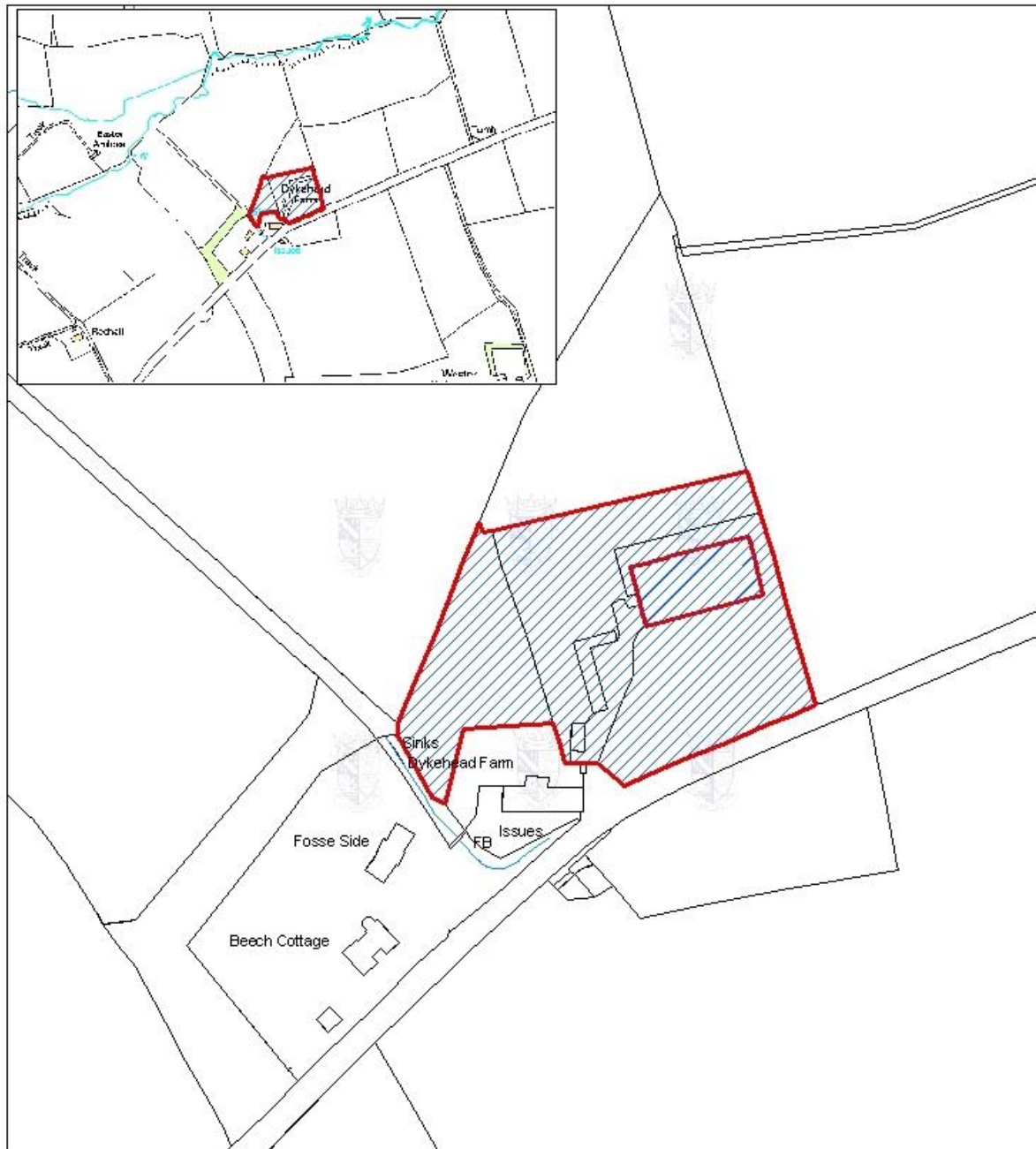
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504757 and ask for David Paterson (Planning Officer).

# Regulatory Committee

## Planning Application Location Plan

**P/09/0139/OUT**

This plan is for location purposes only. It should not be interpreted as an exact representation of the application site.



Reproduced by permission of Ordnance Survey on behalf of HMSO.  
© Crown copyright and database right 2009. All rights reserved.  
Ordnance Survey Licence number 100023384